

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1, 3, 4, and 33 are pending. In the present amendment, Claims 1, 3, 4, and 33 are currently amended. Support for the present amendment can be found in the original specification, for example, at page 14, lines 3-11 and 18-21, at page 15, lines 15-17, at page 17, lines 3-10, at page 18, line 19 to page 19, line 3, and in Figures 1C, 2, 3A, 3B, 3C, and 4A. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 1, 3, and 33 were rejected under 35 U.S.C. §102(b) as anticipated by Riche (GB 921911); and Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over Riche.

Initially, it is noted that Applicants' representative called Examiner Doan on November 5, 2009 to clarify which claims were currently pending. Examiner Doan stated that the amendment filed on April 20, 2009 which canceled withdrawn Claims 5-32 was entered and that the claims had not been further amended since the claims filed on April 20, 2009.

Turning now to the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

The claims are hereby amended, in part, based on a discussion between Examiner Doan and Applicants' representative on August 6, 2009, during which time Examiner Doan suggested amending the claims to recite a hair device that includes both the hair holder and hair inserter. Further, to better define how the hair holder and the hair inserter structurally interact with one another, Claim 1 is amended to recite that the space forming member "slides from a first position below the hair catching part to a second position extending above an

outer circumferential face of the one of the sides of the hair catching part that includes the plurality of teeth to cover the plurality of teeth to hold the hair bundle around the teeth.”

Thus, as can be seen from the exemplary embodiments shown in Figures 1C, 2, 3A, 3B, 3C, and 4A, the space forming member completely surrounds the hair bundle held by the plurality of teeth such that the space forming member extends above an outer side of the hair catching part. The space forming member extending above the outer side of the hair catching part is clearly illustrated in the exemplary embodiment pictured in Figure 2. Thus, because the space forming member completely covers this portion of the hair catching part with the hair wrapped around it, the space forming member is better able to hold the hair in position while the hair bundle is being inserted into the hair holder.¹

It is respectfully submitted that the cited reference does not disclose or suggest every feature recited in amended Claim 1.

Riche describes an implement for curling hair including a slot 5 positioned at one end of the implement such that the tip of the hair can be passed through the slot.² Further, Riche describes a slider 6 that can be mounted on the body 4 of the implement such that an end of the slider 6 can grip the hair firmly on an end of the implement.³

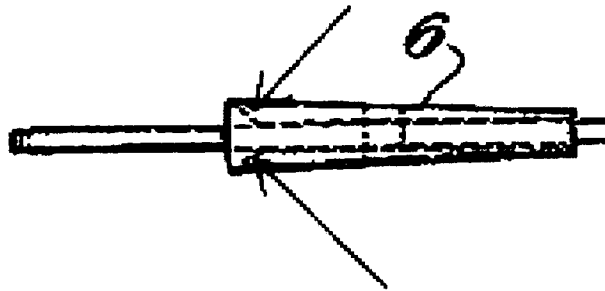
However, it is respectfully submitted that Riche does not disclose or suggest “a space forming member, slidably coupled with the long main body, that slides from a first position below the hair catching part to a second position extending above an outer circumferential face of the one of the sides of the hair catching part that includes the plurality of teeth to cover the plurality of teeth to hold the hair bundle around the teeth,” as recited in amended Claim 1.

¹ See the original specification, for example, at page 18, line 19 to page 19, line 3.

² See Riche, at page 2, column 1, lines 29-32 and in Figure 1.

³ See Riche, at page 2, column 1, lines 32-36 and in Figures 4 and 5.

Instead, as can be seen from Figures 4 and 5 of Riche, and as discussed during the interview held on November 5, 2008, when hair is inserted into the slot 5 of the implement described in Riche, and the slider 6 is slid towards the hair, the slider could not travel past an end portion of the teeth, especially with hair positioned therebetween. As evidenced by Figure 5 of Riche, an enlarged portion of which is shown below, the slider 6 only has a small wedge-shaped opening (arrows point to the wedge below) that can pin the hair against the teeth. This same wedge-shaped portion would prevent the slider 6 of Riche from extending beyond the outer circumferential face of the portion surrounding the slot.



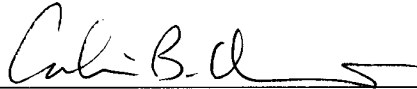
Further, as can be seen in Figure 4 of Riche the cylindrical tab of the slider 6 passing through the groove of the body 4 would prevent the slider 6 from extending above the outer circumferential face of the portion surrounding the slot. Thus, the slider 6 could only hold the hair against an end of the teeth, and could not cover the teeth to hold the hair around teeth in the same manner as the claimed space forming member. Accordingly, the slider 6 described in Riche is not the claimed space forming member.

Therefore, it is respectfully submitted that Riche does not disclose or suggest every feature recited in amended Claim 1. Accordingly, it is respectfully submitted that Claim 1 patentably defines over the cited reference. Thus, it is respectfully requested that the rejections of Claims 1, and Claims 3, 4, and 33 which depend thereon, as anticipated by or unpatentable over Riche be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Richard L. Chinn
Attorney of Record
Registration No. 34,305

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Colin B. Harris
Registration No. 58,969